

TIFFANY & BOSCO
P.A.

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State Bar No. 014228
Attorneys for Secured Creditor

10-10690

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:

Leon Jay Klein and Stacy Ellen Klein

Debtors.

FV-1, Inc. in trust for Morgan Stanley Mortgage
Capital Holdings LLC, By Saxon Mortgage
Services, Inc., as Attorney in Fact

Secured Creditor,
vs.

Leon Jay Klein and Stacy Ellen Klein, Debtors;
U.S. Trustee, Trustee.

Respondents.

No. 2:09-bk-30142-CGC

Chapter 11

OBJECTION TO CHAPTER 11 PLAN

FV-1, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC, By Saxon Mortgage Services, Inc., as Attorney in Fact, a secured creditor, by its attorneys, TIFFANY & BOSCO, P.A., hereby objects to the proposed 11 Plan filed by the Debtors for the following reasons:

FV-1, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC, By Saxon Mortgage Services, Inc., as Attorney in Fact, files this response to the proposed 11 Plan of the Debtors. The Chapter 11 Plan refers to a loan

1 modification agreement which provides for interest only payments until March 1, 2012 and a balloon payment to be made
2 on this account at the maturity date Debtor further states that Debtor will refinance the loan, abide by the Agreement or
3 surrender the property as of the Modification Maturity Date. FV-1, Inc. in trust for Morgan Stanley Mortgage Capital
4 Holdings LLC, By Saxon Mortgage Services, Inc., as Attorney in Fact's hereby objects as our office has been unable to
5 obtain documentation supporting Debtors' claims regarding the loan modification agreement.

6 Further FV-1, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC, By Saxon Mortgage Services,
7 Inc., as Attorney in Fact's lien interest on the real property commonly known as 10855 E. Gold Dust, Scottsdale AZ 85259
8 objects as there is insufficient information regarding the Debtor's ability to refinance by the maturity date of the alleged
9 loan modification agreement.

10 WHEREFORE, secured creditor prays as follows:

11 (1) That the 11 Plan be denied.

12 (2) For such other relief as this Court deems proper.

13 DATED this 7th day of May, 2010.

14 Respectfully submitted,
15 TIFFANY & BOSCO, P.A.

16 BY /s/ MSB # 010167
17 Mark S. Bosco
Leonard J. McDonald
Attorneys for Secured Creditor

18 COPY of the foregoing mailed
19 May 7, 2010 to:

20 Leon Jay Klein and Stacy Ellen Klein
10855 E. Gold Dust
Scottsdale, AZ 85250
Debtors

21 Lawrence D. Hirsch
22 7310 N. 16th Street
Suite 330
23 Phoenix, AZ 85020
Attorney for Debtors

24 U.S. Trustee
25 230 North First Avenue
Suite 204
26 Phoenix, AZ 85003
Trustee
By: April Crane

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